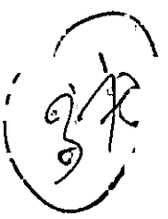
Previous references.

1897.
1897.
(Prisons & jails).

File No. 5708/97

Serial Nos. 1—12

Later references.



GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—12.

Major **Part B. for** May 1899.

SUBJECT.

Calculation of the date of release of prisoners in jails & Lock-ups of Mysore.

---

1. 818 & 28.5.98 From I. G. of Prisons. Recommends that the practice prevalent in the British jails in calculating the date of release of a prisoners be also adopted in the jails of Mysore.

2. 17270 & 30.6.98 To Registrar Chief Court
1690
Forwards a copy of the above for the favour of the opinion of the Judges of the Chief Court & their decision.

G. R. 0-53

3. 902 & 10.8.98. From Registrar Chief Court states that the Judges are of opinion that

the practice may be adopted in Mysore also.

4. 2470/2685 & 23.8.98. To I. G. of Prisons informs that he should submit a draft notification re- the adoption in Mysore of the practice prevailing in the British Jails re- the Calculation of the date.

5. 330 & 5.10.98. From I. G. of prisons. ~~Informs that he should submit~~ Submits for approval a draft as required.

6. 5885/J.606 & 2.11.98 To F. A. Resident. Forwards the draft for the favour of an expression of the Resident's views on the matter.

7. 1781/123-93 & 24.4.99. From F. A. Resident, States that the Resident has no objection to the adoption of the same in the State.

8. 12408/J.1539 & 27.4.99. To F. A. Resident Requests that the draft submitted (dt 6) may be returned.

9. 1994/123-93 & 4.5.99. From F.A. Resident Returns the draft notification as requested.

10. 12994-5/J.1609 & 15.5.99. To I. G. of Prisons & Registrar, ch: Court. Approves of the adoption of the rules prevailing in Indian Jails in the matter of Calculation of the date of release of prisoners & directs their ~~application~~ adoption in Mysore State

The rules embodied in the Draft Notification received with letter No 330 d/ the 5th October, from the I.G.P. of Prisons, have been taken from pages 40 & 41 of the Madras Jail Code. Please see rules 254 to 262 thereof. The rules in the Draft have been verified.

2. For section 398(2) referred to in the note below rule 262 of the Madras Jail Code, please see page 332 of the Prinsep's Criminal Procedure Code, herewith sent.

3. The Mysore Jail Manual contains no rules in the matter of the release of Prisoners.

4. The report of the Committee on the Jail Administration in India of 1887 is not available.

Sent
Sd
17/10.

2

Subject: Illegal detention of 3 prisoners 3 days longer than they should have been, by the Amildar of Channagiri and Lock Up Officer in ignorance of Rules of 15-5-99.

Question: What is the notice to be taken?

The D.C. Mysore has already passed proceedings pointing out the irregularity, and drawing the attention of subordinate officers to the Rules.

The D.S. of Shimoga considers this insufficient, but does not say what further steps he would suggest.

The Amildar may perhaps be censured for not acquainting himself with the Rules.

Subdy Rules. 15/6/00

Submitted to the 3rd C.V. 27/6

Read 28/6/00

70

Issue 5/7/00

In the event of prosecution of tenants in the Central Jail may I submit that Superintendents of Jails should instruct Jailors to furnish Circuit Officers with a statement of the amount of fines realized from each tenant during the month preceding his visit to the Jail.

5/7.

J 1494

10571
30-5-98.

(General Serial No. 30).

SECTION J & P

1898

FILE No. 570 The Registrar to the

SERIAL No. X

Inspector General of Prisons in Mysore.

(1)

To

The Chief Secretary to the Dewan of Mysore.
Govt.
Genl and Revs Depts

Dated 28th May 1898

Despatched

Received 30 ——

Enclosures No.

General No. 818

Recommends that the practice obtaining in the British Jails in calculating the date of release of a prisoner be also adopted in the Jails of Mysore.

to see

the Madras Rules please

s. 254 of the Madras Jail Manual, which both the day of sentence and the day of release are included.

Neither the Mysore Jail Manual nor the Lock-up Rules have anything to say upon the point; but the practice to count the days of sentence as in Madras, but to release the prisoner not on the day when the term expires, but on the following morning.

The Report referred to by the I.G. of Prisons is not available; but the views of the Committee on Jail Admn. are quoted with approval in para 42 of the order of the Govt. of India put up.

Ss. 253 et seq. of the Madras Manual may, if approved, be adopted in Mysore; and the I.G. of Prisons may be asked to submit a draft notification for the purpose.

25/6/98

27-5-98

Ego. Act XXVI of 1870, introduced by the Govt. Genl in 1879. But there is nothing in this Act about release of prisoners. The Legislative file is put up for possible reference.

25/6/98

I think the Residents made a calculation

favour of the Mysore rule

Central Jail Press, Bangalore.—26-4-91.—500.

No 818/J. Bangalore 28th March 1893.

From

(1)

The Inspector General of Prisons

in Mysore

To

The Secretary to the Government of Mysore

General and Revenue Departments.

I have the honor to State that the practice obtaining in the Jails and Lockups in Mysore, in the matter of calculating the date of release of a prisoner differs from the obtaining in the British Jails. In calculating the date of release in the Mysore Jails only the day upon which the Sentence was passed is taken into account whereas in the British Jails both the day upon which the Sentence was passed and the day of release are included

included and considered as days of imprison
ment. For instance in the Mysore Jails, Should a
prisoner be sentenced to one months imprisonment
on 1st January, he would be released on the 1st
February following, but in the British Jails, he
would be released on the 31st January. The Sys-
tem in this respect adopted in the British Jails,
is the one recommended by Messrs Lethbridge
and Walker. ——— I therefore recommend
that the practice obtaining in the British Jails
be adopted in our Jails, and with request that Sanc-
tion of Government may be obtained for the same

× page 155 Report. the Committee on Jail Administration India of 1889.

I have the honor to be,

Sir,

Your Most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons.

W.B.

3.

SECTION : I.P. To

FILE No. 5-7-97

SERIAL No. 2

No. 17270 of 30-6-98
of 1690 Rel. (2)

The Registrar,
Chief Court of Mysore.

Sir,

In forwarding herewith copy of letter No. 818 of dated 28th. May 1898, from the I.G. of Prisons in Mysore, I am directed to request that ~~you will be so good as to favour the Govt. with the opinion of the honorable~~ the Judges of the Ch. Court will be so good as to favour Govt. with their opinion on the proposal of the I.G. of Prisons in the Jails of Mysore, to adopt the practice obtaining in the British Jails in the matter of calculating the dates of release of prisoners

I have &c.

28/6/98

Secretary.

1st. ins order.

4

(General Serial No. 30)

OFFICE OF THE ... 1174 12-8-98 CHIEF COMMR. OF MYSORE 1898

1896

5

From The Registrar of the Chief Court, Mysore

To The Secretary to the Govt of Mysore

SECTION L P.

FILE No. 57 of 97

SERIAL No. 3

Dated 9th Augt 1898

Despatched 10th —

Received 12—8—98

Enclosures No.

General No. 902

No. 29

Sir

I am directed to state that the Judges are of opinion that the adoption in the Jails of Mysore of the practice obtaining in the British Jails in the matter of calculating the dates of release of prisoners, may be accepted —

Jno Refers perh up. DM 12/8/98

11.8.98 Thanks for orders.

Hiranna

Pl 13/8

Central Jail Press, Bangalore.—13-9-94.—2,902.

5

I 902/29

Bangalore 9th August 1898

From

The Registrar of the
Chief Court of Mysore

(5)

To

The Secretary to the
Government of Mysore
Revenue & General Departments

Sir,

With reference to your letter no. 17270/1690 dated 30th June 1898, I am directed to state that the Judges are of opinion that the recommendation of the Inspector General of Prisons, as to the adoption in the Jails of Mysore of the practice obtaining in the British Jails in the matter of calculating the dates of release of prisoners, may be accepted.

I have the honor to be,
Sir,
your most Obedient Servant,

Registrar

6.

189

(6)

From

THE SECRETARY TO THE
GOVERNMENT OF MYSORE,
Gen. and Rev. Depts.

SECTION 9 P.
FILE N° 7 of 97 —
SERIAL N° 4 —

To The Inspector General of Prisons in Mysore

Dated Bangalore, 23rd August 1898.
Despatched
Received
General No. 2470
J. No. 265
Enclosure No.

His letter dtd 8/9 of 28: May 1898 re the calculation of the date of release of prisoners.

With reference to the above has the honor to request that the Inspector General will be so good as to submit for approval of Govt a draft Notification regarding the adoption in the Mysore, ~~Jails~~ of the practice obtaining in the British Jails in calculating the date of release of prisoners.

B. Q. & Sd
Secretary

Subd to Govt
lia
16-8-98

7 OFFICE OF THE 3173 6-OCT.98 CHIEF SECRETARY TO GOVERNMENT OF MYSORE

1456

1898-99

SECTION I. Establishment of Supt. Gl. of Prisons

FILE No. 57/97

SERIAL No. To 5

(7)

The Secretary to the Govt. of Mysore, Rev. and Gen. Depts.

Dated 5th Oct: 1898.

Despatched

Received

Serial No. 330

No.

Enclosure No. 1

Submitting for the approval of Govt: a draft Notification in the matter of Calculating the date of release of prisoners &c

---

References to be marked.

Subd with refees

DM 8/10/98 BR 8/10/98

Mem

Draft rules as may be necessary after Madras Rules & Memorandum of Act (Amendment) Act & Remission Rules.

Mr. Meade

Please see the attached draft rules which have been framed in accordance with the Madras Rules on the subject. Please let me know what you think of them.

Subd 12-10-98

The draft rules proposed by the Inspector-General are taken verbatim from the Madras Rules (254-262 inclusive) on the subject. BR 17/10/98

Submitted to Govt

19-10-98

Mr 10058

May be approved subject to the alterations suggested in the accompanying Memorandum.

BR 23/10/98

Approved subject to the alterations suggested in the accompanying Memorandum.

20/10/98

SC[illegible] 5

No. 530/J Bangalore 5th October 1898.

(7)

From

The Inspector General of Prisons
in Mysore

To

The Secretary to the Government of Mysore
General and Revenue Departments.

Sir,

With reference to your No. 2470/J265 dated 23rd August 1898, I have the honor to submit for the approval of Government a draft Notification in the matter of calculating the date of release of prisoners, received from the Superintendent Central Jail, Bangalore, as requested.

I have the honor to be,
Sir,
Your most Obedient Servant,

Surgeon Lt. Colonel
Inspector General of Prisons.

9

If so please see the correspondence noted in the margin, & return the papers, correspondence & file.

GOVERNMENT OF MYSORE

No. 5885 / 2606 dated 2-11-98.

One

(8)

From The 1st Asst to the Resident in Mysore.

To

The Secretary to Government,
Chief Commissioner's Office,
Bangalore.

Sir,

As the Durbar intend to adopt the rules referred to in the accompanying Draft notification in the matter of calculating the date of release of prisoners confined in the Jails & Lock-ups in the State, I am directed to request that you will kindly move the Resident for an expression of his views as to the adoption of the said Rules. I have &c

Secretary.

BD 3/11/1898

From Correspondence
Abstract
1-11-98.

BD 2/11

× (to be kindly returned)

and as they will if adopted also apply to the Criminal Prisoners of the C & M Stn confined in the Bangalore Central Jail,

10

the said rules may also be made applicable to the prisoners of the Civil & Military Station confined in the Bangalore Central Jail.

Most Recent Rules have been taken verbatim from the Madras Rules 25-4-262

G

1-11-98

I have ~~it~~

Secy

perd. & retd. 21/11/98.

Subd. to Sec 4. with draft - KK 27/4

SECTION IAP

FILE No 57797

SERIAL No 7

11 10040.

Pol 1417

From The Resident, Mysore, Bangalore.

J/291.

To THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 21st April 899.

Despatched

Received

(9)

General No. 1786

No. 123-93

Enclosure No.

Stating that the Resident has no objection to the introduction of the proposed rules re the calculation of the Date of release of prisoners confined in the Jails & Lock-ups in the Mysore State.

References to be marked.

Refer pencil up
HM
27/4/99.

V2

No. 1786 Exec Vol
123-93.

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

(9)

To

The Dewan of Mysore.

Dated Bangalore, 24th April 1899.

SIR,

With reference to your letter No.5885-J.606 dated the 2nd November 1898, I am directed to state that the Resident sees no objection to the introduction of the proposed rules relating to the calculation of the date of release of prisoners confined in the jails and lock-ups in the Mysore State.

2. I am to request that copies of the rules may, when printed, be supplied to this office.

I have the honor to be

Sir,

Your most obedient servant,

K S Erskine Captain,

First Assistant Resident.

13.
66

GOVERNMENT OF MYSORE

SECTION- I.P

FILE NO- 57-97-97

SERIAL NO- 8

From 1st Asst to the Resident in Mysore

No. 12408 / 1539 (10)

Dy. 29th April 1899

Sir.

Adverting to your letter No. 1786 / 123-93 dy. 24th April 1899, stating that the Resident sees no objection to the introduction of the proposed rules relating to the calculation of the date of release of prisoners confined in the gaols and lock-ups in the Mysore State, I am directed to request that you will be so good as to return the draft Notn forwarded with this office No. 5885 / 1606 dy. 2-11-98.

I have &c

29/4/99

Secy.

27/4.

Sub Sheet. with 14 Pol 1486.

3 drafts. HK 10/5.

SECTION Jud.

FILE 5799

9

From

The Joint-

OFFICE OF THE
10360
5 MAY 99
DEWAN OF MYSORE

1331

11

To Dewan

THE ~~SECY. TO THE GOVT.~~ OF MYSORE,
~~GEN. & REV. DEPTS.~~

Dated 4th May 1899

Despatched

Received

General No. 1941

No. 123-94.

Enclosure No. 1

Preliminary draft notification re calculating the dates of release of prisoners confined in the Jails & lock-ups in the Mysore State, &c.

References to be marked.

Refers put up
DM
6/5/99.

Recd. 10/5. HK

15

No. 1994. Enc

123.94

(11)

5/5/99

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 4th January 1899.

SIR,

As requested in your letter No.12408/J. 1539 dated the 29th ultimo, I am directed to return herewith the draft notification in the matter of calculating the date of release of prisoners confined in the jails and lock-ups in the Mysore State, forwarded with your letter No.5885/J.606 dated the 2nd November 1898.

I have the honor to be

Sir,

Your most obedient servant

First Assistant Resident.

H.

N

GOVERNMENT OF MYSORE

Endorsement No 9

(11/a)

Draft Notification

To ensure uniformity of practice in all Jails and Lockups in the Province in the matter of the calculation of the date of Release of Prisoners, Government are pleased to direct as follows:

1.) In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day upon which the sentence was passed and the day of release should both be included and considered as days of imprisonment. Similarly, if a convict is released on bail, pending appeal, or if he escapes, the day on which he was released, or escaped and the day on which he was re-admitted, or re-captured, shall both be counted as days

of

of imprisonment.

Illustration 1. A prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st of January and not on the 1st February.

Illustration 2. A prisoner sentenced on the first January to one month's imprisonment escapes on the 15th January and is recaptured on the 16th. He will be entitled on the original warrant to release on the 31st January.

2. When a prisoner is sentenced to two or more sentences, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

Illustration: A prisoner ~~sentenced~~ sentenced on the 21st of November 1890 to two

GOVERNMENT OF MYSORE

two substantive terms of imprisonment of one year each, should be released on the 20th and not the 19th November 1892

3. When a prisoner's sentence consists of so many months with or without the fraction of ~~the~~ a month, the date of release shall be calculated by adding the number of calendar months to the date of the sentence, the fraction (if any) being reduced to days.

Illustration 1. A prisoner is sentenced to one and a half month's imprisonment on the 2nd February. The date of his release will be the 16th March.

Illustration 2. A prisoner is sentenced to 6 months imprisonment

imprisonment on the
31st May the date of
his release will be the
30th November.

4.) The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period. Add to the term of his sentence the number of days the prisoner is on bail or at large, exclusive of the day of release and re-admission, or of escape and re-capture, the date on which the sum of these periods will elapse, counting

recommitted to custody.

counting from the date of conviction, is the date of expiration of sentence

5. If the prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the dates of release shall be calculated and entered in the Release-Register, so as to correspond both with payment and with non-payment of the fine. If any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

Illustration: If a prisoner be sentenced on the first January to 6 months' imprisonment

and to a fine of Rs 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction, pays Rs 100., the date of release shall be first fixed at 31st October (viz. 6 months + 4 months, the equivalent of the fine unpaid); if he afterwards pays another Rs 100, the date will be changed to 31st August and on his paying the whole, to 30th June.

6. If a prisoner who is sentenced to a fine, and in default to imprisonment for a certain

certain number of months, pays any part of his fine, the reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Illustration. A prisoner is sentenced on first January to a fine of Rs 300. or in default to 6 months' imprisonment. No part of the fine is realized except a sum of twelve annas. He should be released

released on the 29th June
though the amount realized is
less than the full amount
due for a single day.

7. If a prisoner escapes and on re-capture receives any fresh sentence for the escape, the date of release shall be re-calculated in accordance with the provisions of section 396 of the Code of Criminal Procedure, and the date of release thus arrived at, shall be entered in the Release-Register in place of the original date of release.

8. When the Appellate Court simply modifies a sentence passed by a lower court, without change of sections, or when the Appellate Court passes a new sentence by changing the conviction-Section or the punishment-

Section

- Section or otherwise the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

9. If a prisoner sentenced to imprisonment in default of payment of fine only, receive another sentence on some other account while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment. It should be remembered that imprisonment in default of payment of fine is a punishment for non-payment.

Illustration: A prisoner is sentenced on the 31st January to a fine of Rs 30, or in default to two months rigorous imprisonment

imprisonment and on the 12th of February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on the 28th February. The sentence of four months should begin from the 28th February and not from the 31st January.

Note: But see Sec. 398 (2) of the Criminal Procedure Code as amended by Act I of 1888 in regard to sentences of imprisonment in default of payment of fine, which are annexed to several Substantive Sentences of

24

of imprisonment or transportation.

Bangalore
17.9.98

Superintendent
Central Jail.

2 Bks : Ltr subd for appl

Read again; -

GOVERNMENT OF MYSORE (S no 1) (12)

SECTION Pt I

5.7.97

10

Letter No. 818/9 dated the 28th May 1898, from the Inspector General of Prisons in Mysore, recommending the adoption in the Mysore jails, + lock-ups of the rules observed in Madras jails in calculating the date of release of prisoners.

(1. no 2)

2. Letter No. 902/29 dated the 9th August 1898 from the Registrar Chief Court of Mysore, stating with reference to this office (S no 2) Letter No. 17270/1690 dated 30th June 1898, that the judges are of opinion that the rules referred to by the Inspector General of Prisons may be introduced in the Mysore jails.

3. Letter No. 330/5 dated 5th Oct. from the Insp. Gl. of Prisons in Mysore submitting for approval as required by Govt. a draft notification on the above subject.

(1) Read

4. Letter No. 1786/123-93 dated 24th April 1899, from the First Assistant

Assistant to the Resident 26
in Mysore stating that the
Resident has no objection to the
introduction of the proposed
rules ~~which please return and~~
~~the papers~~ —

Order thereon 12994-95 dated
J/601. 15/5/99.

As recommended by the
Inspector General of Prisons, the
Government are pleased to
approve of the adoption of the
following rules in
the matter of the calculating
of the dates of release of two
prisoners and direct their
publication in the Mysore
Gazette

(Here enter Rules)

By
12/5/99
Secretary.

To
The I. G. of Prisons in Mysore
" Registrar, Chief Court

15/5/

11316

Press Copy
Submitted to H.H.
for perusal
of Private
12

17/5/99

17/5/99

17/5/99

17/5/99

27 Enclo 1760

1898-99

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 15th May 1899

No. 12994-95
J. 1601

Approving of the adoption in the Mysore Jails and Lock-ups of the rules observed in Madras in calculating the date of release of prisoners.

SBP—22-5-99—250

READ AGAIN—

Letter No. 818—J., dated the 28th May 1898, from the Inspecter General of Prisons in Mysore, recommending the adoption in the Mysore Jails and Lock-ups of the rules observed in Madras Jails in calculating the date of release of prisoners.

READ—

1. Letter No. 902—29, dated the 9th August 1898, from the Registrar of the Chief Court of Mysore, stating, with reference to this office letter No. 17270—J. 1690, dated 30th June 1893, that the Judges are of opinion that the rules referred to by the Inspector General of Prisons may be introduced in the Mysore Jails.

2. Letter No. 330—J., dated 5th October 1893, from the Inspector General of Prisons in Mysore, submitting for approval, as requested by this office, a draft Notification on the above subject.

3. Letter No. 1786—123-93, dated 24th April 1899, from the First Assistant to the Resident in Mysore, stating that the Resident has no objection to the introduction of the proposed rules.

No. 12994-95—J. 1601, DATED BANGALORE, 15TH MAY 1899.

ORDER THEREON.—As recommended by the Inspector General of Prisons, the Government are pleased to approve of the adoption of the following rules in the matter of calculating the date of release of prisoners and direct their publication in the *Mysore Gazette*.

To ensure uniformity of practice in all Jails and Lock-ups in the Province in the matter of calculating the date of release of prisoners, the Government are pleased to direct as follows:—

1. In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day upon which the sentence was passed and the day of release should both be included and considered as days of imprisonment. Similarly, if a convict is released on bail, pending appeal, or if he escapes, the day on which he was released, or escaped and the day on which he was re-admitted, or re-captured, shall both be counted as days of imprisonment.

Illustration 1.—A prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February.

Illustration 2.—A prisoner sentenced on the 1st January to one month's imprisonment escapes on the 15th January and is recaptured on the 16th. He will be entitled on the original warrant to release on the 31st January.

2. When a prisoner is sentenced to two or more sentences, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

Illustration.—A prisoner sentenced on the 21st of November 1890 to two substantive terms of imprisonment of one year each, should be released on the 20th and not the 19th November 1892.

3. When a prisoner's sentence consists of so many months with or without the fraction of a month, the date of release shall be calculated by adding the number of calendar months to the date of the sentence, the fraction (if any) being reduced to days.

Illustration 1.—A prisoner is sentenced to one and a half months' imprisonment on the 2nd February. The date of his release will be the 16th March.

Illustration 2.—A prisoner is sentenced to 6 months' imprisonment on the 31st May, the date of his release will be the 30th November.

4. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period. Add to the term of his sentence the number of days the prisoner is on bail or at large, exclusive of the day of release and recommittal to custody, or of escape and re-capture; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiration of sentence.

5. If the prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the dates of release shall be calculated and entered in the Release Register, so as to correspond both with payment and with non-payment of the fine. If any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

Illustration.—If a prisoner be sentenced on the 1st January to 6 months' imprisonment and to a fine of Rs. 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction, pays Rs. 100, the date of release shall be first fixed at 31st October (*viz.* 6 months+4 months, the equivalent of the fine unpaid); if he afterwards pays another Rs. 100, the date will be changed to 31st August and on his paying the whole, to 30th June.

6. If a prisoner who is sentenced to a fine, and in default to imprisonment for a certain number of *months*, pays any part of his fine, the reduction of imprisonment to be made in consequence of such payment shall be calculated in *calendar months*, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Illustration.—A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to 6 months' imprisonment. No part of the fine is realized except a sum of twelve annas. He should be released on the 29th June, though the amount realized is less than the full amount due for a single day.

7. If a prisoner escapes and on re-capture receives any fresh sentence for the escape, the date of release shall be re-calculated in accordance with the provisions of Section 396 of the Code of Criminal Procedure, and the date of release thus arrived at, shall be entered in the Release Register in place of the original date of release.

8. When the Appellate Court simply modifies a sentence passed by a lower Court without change of sections, or when the Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

9. If a prisoner sentenced to imprisonment in default of payment of fine only, receives another sentence on some other account while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires, or if the fine is paid, from the date of payment. It should be remembered that imprisonment in default of payment of fine is a punishment for non-payment.

Illustration.—A prisoner is sentenced on the 31st January to a fine of Rs. 30, or in default to two months' rigorous *imprisonment* and on the 12th of February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on the 28th February. The sentence of four months should begin from the 28th February, and not from the 31st January.

Note.—But see Section 398 (2) of the Criminal Procedure Code as amended by Regulation I of 1888 in regard to sentences of imprisonment in default of payment of fine, which are annexed to several substantive sentences of imprisonment or transportation.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Inspector General of Prisons in Mysore.
The Registrar of the Chief Court of Mysore.

Exd.—G.S.

(13)

30 Days LR Rules for "Appl"

"Notification. 12996

J1602

Dated. 15/5/99.

SECTION Pt 9

FILE No 37797

SERIAL No 11

In ensure uniformity of practice in all jails and Lock-ups in the Province in the matter of the calculating of the date of release of prisoners, the Government are pleased to direct as follows:—

Here enter Rules 1 to 9 Pro No 12994-95 dated J1601. 15/5/99

By order
12-5-99.
Secretary

10/5.

To

The Compiler, Nizam Gazette

for publication in 3 successive issues of the Gazette & for transmission of 50 copies to this office.

31 Enclosure 6 & 4

(13)

GENERAL.

No. 12996—*J.* 1602, *dated* 15*th May* 1899.

To ensure uniformity of practice in all Jails and Lock-ups in the Province in the matter of calculating the date of release of prisoners, the Government are pleased to direct as follows:—

1. In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day upon which the sentence was passed and the day of release should both be included and considered as days of imprisonment. Similarly, if a convict is released on bail, pending appeal, or if he escapes, the day on which he was released, or escaped and the day on which he was re-admitted, or re-captured, shall both be counted as days of imprisonment.

Illustration 1.—A prisoner sentenced on the 1st January to one month's imprisonment should be released on the 31st January and not on the 1st February.

Illustration 2.—A prisoner sentenced on the 1st January to one month's imprisonment escapes on the 15th January and is recaptured on the 16th. He will be entitled on the original warrant to release on the 31st January.

2. When a prisoner is sentenced to two or more sentences, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

Illustration.—A prisoner sentenced on the 21st of November 1890 to two substantive terms of imprisonment of one year each, should be released on the 20th and not the 19th November 1892.

3. When a prisoner's sentence consists of so many months with or without the fraction of a month, the date of release shall be calculated by adding the number of calendar months to the date of the sentence, the fraction (if any) being reduced to days.

Illustration 1.—A prisoner is sentenced to one and a half months' imprisonment on the 2nd February. The date of his release will be the 16th March.

Illustration 2.—A prisoner is sentenced to 6 months' imprisonment on the 31st May, the date of his release will be the 30th November.

4. The following method shall be adopted in calculating the date of release of a prisoner who after conviction is released on bail pending the hearing of his appeal and is afterwards remanded to jail to serve out his sentence, or who escapes and is at large for a certain period. Add to the term of his sentence the number of days the prisoner is on bail or at large, exclusive of the day of release and recommittal to custody, or of escape and re-capture; the date on which the sum of these periods will elapse, counting from the date of conviction, is the date of expiration of sentence.

5. If the prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the dates of release shall be calculated and entered in the Release Register, so as to correspond both with payment and with non-payment of the fine. If any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

Illustration.—If a prisoner be sentenced on the 1st January to 6 months' imprisonment and to a fine of Rs. 300, and it be ordered that if the fine be not paid he be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction, pays Rs. 100, the date of release shall be first fixed at 31st October (*viz.* 6 months+4 months, the equivalent of the fine unpaid); if he afterwards pays another Rs. 100, the date will be changed to 31st August and on his paying the whole, to 30th June.

6. If a prisoner who is sentenced to a fine, and in default to imprisonment for a certain number of *months*, pays any part of his fine, the reduction of imprisonment to be made in consequence of such payment shall be calculated in *calendar months*, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Illustration.—A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to 6 months' imprisonment. No part of the fine is realized except a sum of twelve annas. He should be released on the 29th June, though the amount realized is less than the full amount due for a single day.

7. If a prisoner escapes and on re-capture receives any fresh sentence for the escape, the date of release shall be re-calculated in accordance with the provisions of Section 396 of the Code of Criminal Procedure, and the date of release thus arrived at, shall be entered in the Release Register in place of the original date of release.

8. When the Appellate Court simply modifies a sentence passed by a lower Court without change of sections, or when the Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

9. If a prisoner sentenced to imprisonment in default of payment of fine only, receives another sentence on some other account while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires, or if the fine is paid, from the date of payment. It should be remembered that imprisonment in default of payment of fine is a punishment for non-payment.

Illustration.—A prisoner is sentenced on the 31st January to a fine of Rs. 30, or in default to two months' rigorous *imprisonment* and on the 12th of February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on the 28th February. The sentence of four months should begin from the 28th February, and not from the 31st January.

Note.—But see Section 398 (2) of the Criminal Procedure Code as amended by Regulation I of 1888 in regard to sentences of imprisonment in default of payment of fine, which are annexed to several substantive sentences of imprisonment or transportation.

By Order,
C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

32. Rec'd of Ltd :: 6 :: for appt.

GOVERNMENT OF MYSORE

(14)

To

SECTION	Pol.
FILE	57.97
S.	12

The First Assistant to the
Resident in Mys.

13328.
J/623 dated
23/5/99

Sir,

As desired in your letter No. 1786/123-93 dated the 24th April 99, I am directed to forward herewith printed ten copies of the rules relating to the calculation of the date of release of prisoners published with Govt Notification No. 12996/J1602 dated the 15th May 1899.

I have etc

23/5/99
Secy

23/5.

Subs

This will be issued after printed copies are received.

SN 16/5/99 Copies of rules & need. Please [illegible] days

Issued 23/5/99

11 1299 b & 15.5.99. Lo Campsie Mis.
J. 1602

Directs the Board's attn in the Paggle
of the fact that the Post has a Stand
the rules prevailing with regard to the
the Calculation of the date of the
release of persons.

12. 13328 & 23.5.99. Lo of A Resident
J. 1623

Forwards printed Copies of the
rules relating to the Calculation of
the date of the release of the
persons.

J. Ellis Barker